

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JOHN DUNCAN, #180841,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 2:07-CV-634-MHT
	)	
JOHN CUMMINGS,	)	
	)	
Defendant.	)	

**DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE**

**COMES NOW**, the defendant, **John Cummings**, by and through Troy King, Attorney General for the State of Alabama, via undersigned counsel, and in response to this Honorable Court's order dated February 4, 2008, hereby responds as follows:

1. The Special Report ordered on July 12, 2007, was drafted on August 8, 2007.
2. Due to an inadvertent oversight, the Special Report was never filed.
3. It was not until receipt of the order to show cause that this oversight was realized.
4. The defendant has, on this date, filed his Answer and Special Report with the Court.
5. The plaintiff has not been prejudiced by the inadvertent oversight and resulting delay.

RESPECTFULLY SUBMITTED,

TROY KING  
ATTORNEY GENERAL  
KIN047

/s/ J. MATT BLEDSOE  
J. Matt Bledsoe (BLE 006)  
ASSISTANT ATTORNEY GENERAL

OF COUNSEL:

OFFICE OF THE ATTORNEY GENERAL  
11 South Union Street  
Montgomery, AL 36130  
(334) 242-7443  
(334) 242-2433 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this the 7<sup>th</sup> day of February, 2008, electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, and that I have further served a copy of the foregoing upon the Plaintiff, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Mr. John Duncan, #180841  
Bullock County Correctional Facility  
P.O. Box 5107  
Union Springs, AL 36089

/s/ J. MATT BLEDSOE  
OF COUNSEL